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Jayshree Bharatia

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,999	Applicant(s) BHARATIA ET AL.	
	Examiner Munjal Patel	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 7, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1-6, 8-15 & 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Smith (US PG PUB # US 2002/0042277 A1)** herein after referred as **Smith** as applied to claims above, and further in view of **Takeda et al.(US Patent # US 7,286,520 B2)** herein after referred as **Takeda**.

4. **Regarding claim 1, Smith** discloses a method of subscriber information service center which reads on a method of obtaining location information for emergency services comprising the steps of:
receiving a first request message from the multimedia in response to the multimedia

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server receiving an emergency request message from user equipment (UE);
communicating a location request in response to receiving the first request message

(Smith: Fig 6:87, 88 & paragraph 0046);

receiving a location response in response to communicating the location request

(Smith: Fig 6:89, 91, 92 & paragraph 0047 lines [1-14]) , the location response

comprising location information of the UE **(Smith: Fig 6:89, 91, 92 & paragraph 0046);**

and

communicating a second request message to the multimedia server in response to

receiving the location response **(Smith: Fig 6:93, 94 & paragraph 0047 lines [14-19]).**

However, Smith fails to disclose receiving a first request message from the a multimedia

server **(Smith: Fig 6:85 & paragraph 0045)** in response to the multimedia server

receiving an emergency request message from user equipment (UE). However, the

examiner maintains that it was well known in the art to provide receiving a first request

message from the multimedia server in response to the multimedia server receiving an

emergency request message from user equipment (UE) as taught by **Takeda (Takeda:**

Fig 20: 201A & 202A).

5. In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and

packet communication method between terminals. In addition, **Takeda** discloses

receiving a first request message from the multimedia server in response to the

multimedia server receiving an emergency request message from user equipment (UE).

6. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify **Smith** by specifically providing receiving a first

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request message from the multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) as taught by **Takeda**, for the purpose of shortened transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (**Takeda: Column 4 lines [5-10]**)

7. **Regarding claim 2, Smith in view of Takeda** discloses everything in claim 1 as above wherein the multimedia server is a serving control session control function server (**Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and session control functionality**). This claim is rejected for the same motivation as claim 1.

8. **Regarding claim 3, Smith in view of Takeda** discloses everything in claim 1 as above wherein the multimedia server is a Session Initiation Protocol enabled server (**Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server**). This claim is rejected for the same motivation as claim 1.

9. **Regarding claim 4, Smith in view of Takeda** discloses everything in claim 1 as above wherein the method is performed at session initiation (**Smith: Fig 6 & paragraph 0049 lines [28-32]**). This claim is rejected for the same motivation as claim 1.

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10. **Regarding claim 5, Smith in view of Takeda** discloses everything in claim 1 as above, wherein the first request is a Session Initiation Protocol INVITE request message (**Smith: Fig 6, paragraph 0047 lines [7-8] & paragraph 0049 lines [28-32]**). This claim is rejected for the same motivation as claim 1.

11. **Regarding claim 6, Smith in view of Takeda** discloses everything in claim 1 as above, wherein the location request is a mobile terminal location request (**Smith: Fig 6: 85 & paragraph 0043 lines[4-8]**). This claim is rejected for the same motivation as claim 1.

12. **Regarding claim 8, Smith in view of Takeda** discloses everything in claim 1 as above, wherein the second request is a Session Initiation Protocol INVITE request message (**Smith: Fig 6, paragraph 0047 lines [13-14]**). This claim is rejected for the same motivation as claim 1.

13. **Regarding claim 9, Smith** discloses a communication system comprising:
a multimedia server (**Smith: Fig 5: 61**) for receiving an emergency request message from user equipment (UE) and, in response thereto, generating a first request message;
a location application server (**Smith: Fig 5: 67**) communicatively coupled to the multimedia server (**Smith: Fig 5:61 is communicatively coupled to 67**) for receiving the first request message and generating a one of a location request and a routing information request;

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a gateway server (**Smith: Fig 5:66 & paragraph 0041 describes MGW**)

communicatively coupled to the location application server_(**Smith: Fig 5: 67 is**

communicatively coupled to 66) for receiving a one of the location request and the

routing information request, and for generating an acknowledgement response

comprising at least a one of location information of the UE and routing information

associated with the UE enabling a request for location information of the UE; and

wherein the location application server is operable for receiving the acknowledgement

response and for communicating at least a one of the location information and the

routing information to the multimedia server (**Examiner interprets this underlined**

section of amended claim as intended use of system claimed which is not given

patentable weight). However, **Smith** fails to disclose a multimedia server (**Smith: Fig**

5: 61) for receiving an emergency request message from user equipment (UE) and, in

response thereto, generating a first request message **However**, the examiner maintains

that it was well known in the art to provide a multimedia server (**Takeda: Fig 20: 40)** for

receiving an emergency request message from user equipment (UE) and, in response

thereto, generating a first request message as taught by **Takeda (Takeda: Fig 20:**

201A, 201, 202 & 202A).

14. In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and

packet communication method between terminals. In addition, **Takeda** discloses

receiving a multimedia server for receiving an emergency request message from user

equipment (UE) and, in response thereto, generating a first request message.

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15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Smith** by specifically providing a multimedia server for receiving an emergency request message from user equipment (UE) and, in response thereto, generating a first request message as taught by **Takeda**, for the purpose of shortened transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (**Takeda: Column 4 lines [5-10]**).

16. **Regarding claim 10, Smith in view of Takeda** discloses everything in claim 9 as above, wherein the multimedia server is a session initiation protocol enabled server (**Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server**). This claim is rejected for the same motivation as claim 9.

17. **Regarding claim 11, Smith in view of Takeda** discloses everything in claim 9 as above, however **Smith** fails to disclose multimedia server is an H.323 enabled server, however the examiner maintains that it was well known in the art to provide multimedia server is an H.323 enabled server, as taught by **Takeda**.

18. In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and packet communication method between terminals. In addition, Takeda discloses multimedia server is an H.323 enabled server (**Takeda: Column 4 lines [61-62]**).

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith by specifically providing multimedia server is an H.323 enabled server, as taught by **Takeda** for the purpose of providing mobile

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terminal equipment and a packet communication method between terminals realizing shortened transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (**Takeda: Column 4 lines [6-10]**).

20. **Regarding claim 12, Smith** discloses a method of obtaining location information for emergency services comprising the steps of,

receiving a first request message from a multimedia server (**Smith: Fig 2:27 & paragraph 0023**) in response to the multimedia server receiving an emergency request message from user equipment (UE);

communicating a request for routing information in response to receiving the first request message (**Smith: Fig 2: 28 & 3: 36**);

receiving a routing information acknowledgement in response to communicating the request for routing information (**Smith: Fig 2:32 paragraph 0025 lines [1-4]**), the routing information acknowledgement comprising at least a one of location information of the UE and routing information associated with the UE enabling a request for location information of the UE (**Smith: Fig 2:32 & paragraph 0025 lines [1-4] discloses geographic location information**); and

communicating a second request message to the multimedia server in response to receiving the request for routing information acknowledgement (**Smith: Fig 2:33 & paragraph 0025 lines [4-13]**). However, **Smith** fails to disclose receiving a first request message from a multimedia server (**Smith: Fig 2:27 & paragraph 0023**) in response to the multimedia server receiving an emergency request message from user equipment

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(UE). However, the examiner maintains that it was well known in the art to provide receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) as taught by **Takeda (Takeda: Fig 20: 201A & 202A)**.

21. In a similar field of endeavor **Takeda** discloses a Mobile terminal equipment and packet communication method between terminals. In addition, **Takeda** discloses receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE).

22. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Smith** by specifically providing receiving a first request message from a multimedia server in response to the multimedia server receiving an emergency request message from user equipment (UE) as taught by **Takeda**, for the purpose of shortened transfer delay time of data packets on a mobile IP communication network and reduced fluctuation in transfer time (**Takeda: Column 4 lines [5-10]**)

23. **Regarding claim 13, Smith in view of Takeda** discloses everything in claim 12 as above, wherein the multimedia server is a serving control session control function server (**Smith: Fig 5: 61 & Fig 6 describes SISC server which handles serving control and session control functionality**). This claim is rejected for the same motivation as claim 12.

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24. **Regarding claim 14, Smith in view of Takeda** discloses everything in claim 12 as above, wherein the multimedia server is a Session Initiation Protocol enabled server **(Smith: Fig 5: 61 & Fig 6 describes multimedia server is SIP enabled server)** . This claim is rejected for the same motivation as claim 12.

25. **Regarding claim 15, Smith in view of Takeda** discloses everything in claim 12 as above, wherein the first request is a Session Initiation Protocol INVITE request message **(Smith: Fig 6, paragraph 0047 lines [7-8] & paragraph 0049 lines [28-32])**. This claim is rejected for the same motivation as claim 12.

26. **Regarding claim 18, Smith in view of Takeda** discloses everything in claim 12 as above, wherein the second request is an INVITE request message **(Smith: Fig 6, paragraph 0047 lines [13-14])**. This claim is rejected for the same motivation as claim 12.

Response to Arguments

27. Applicant's arguments with respect to claims 1-6, 8-15 & 18 have been considered but are moot in view of the new ground(s) of rejection.

- a. Applicant argues if the company representative 81 or SIP server 73 reads on Applicants multimedia server is moot in view of new ground of rejection.
- b. Applicant also argues information request 85 from company representative 81 to the server 73 is not “emergency request message” as

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described in specification, however, the examiner has given patentable weight to request message, which is functionally same as applicant has claimed.

c. Applicant also argues that location information in Smith's location response 89, 91 is not the location information about the user equipment that issued an emergency request message to multimedia server, however, the examiner disagrees as Smith clearly discloses on paragraph 0002 lines [3-5] that User receives information about called party's location by inputting called party's number, which covers user as well.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Munjal Patel whose telephone number is (571)270-5541. The examiner can normally be reached on Monday - Friday 9:00 AM - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Munjal Patel
Examiner
Art Unit 2617

/MP/

/Alexander Eisen/
Supervisory Patent Examiner, Art Unit 2617